ESTTA Tracking number:

ESTTA705565 10/30/2015

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223959
Party	Defendant Feng Jingjing
Correspondence Address	FENG JINGJING SUITE A205A, 6640 LUSK BLVD SAN DIEGO, CA 92121 UNITED STATES 825114@gmail.com, xw@gbicom.org
Submission	Opposition/Response to Motion
Filer's Name	Feng Jingjing
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Signature	/Feng Jingjing/
Date	10/30/2015
Attachments	An Response to Opposition No. 91223959 against SUNGOLDPOWER (86503923).pdf(89048 bytes) Evidences For SUNGOLDPOWER(86503923).pdf(1824217 bytes)

An Response to Opposition No. 91223959

In responding to the opposition put forward by registered mark "SUNPOWER" (85408770, 85585503, 77879227, 76688239 and 76283765) against the filing mark "SUNGOLDPOWER" (86503923), the applicant shall answer the opposition as follows:

First, from the aspect of the drawing, the two marks are not likely to cause confusion among customers. (a) The applicants' mark consists of the literal element "SUNGOLDPOWER" in smaller font under design of a bright sun over the horizon. As the design is over the literal element, more obvious and vivid, it shall leave a deeper impression on the customers than the literal (b) The literal element of the registered mark is merely "SUN POWER", suggesting "solar power", which is 100% related to the goods such as "solar cell panels; solar batteries; solar cells" protected by the registered marks. The registered marks are so descriptive that the wording "sun" and/or "power" can not be exclusively used by the owner unless concerned marks have already caused confusion among customers; (c) Regarding to the mark "SUNGOLDPOWER", "GOLD" is inserted between "SUN" and "POWER", with "SUNGOLD" in bold, differing itself from the word "POWER". In such case, the fixed concept of "SUN POWER" is largely weakened; (d) From the first day the mark is used in commerce, not even a single customer mentioned that the filing mark "SUNGOLDPOWER" is similar to another mark. On October 16th, 2009, "SUNGOLDPOWER" is used and in July, 2012, it is used in commerce. Since then, "SUNGOLDPOWER" has been developing its market mainly in America, but also many other countries worldwide, for example, countries in EU, Africa, Latin America etc. If the questioned marks are confusingly similar, there would have been many (or at least several) customers questioned about this in the past four years and the applicant and/or the owner should have realized that. The truth is, no.

Second, the goods of the questioned marks are not identical and will not make the customers confused. As the table "Comparison between the goods" in the attached evidence, the only identical goods is "inverters" between the pending mark (86503923) and the registered mark (85585503). And the applicant is willing to delete the goods to avoid a slim possibility of causing confusion.

Third, ever since the mark's in use, the applicant has spent a lot of effort and money in managing the "SUNGOLDPOWER" in promotion advertising through all kinds of channels like twitter, blog, facebook. youtube, amazon, ebay, aliexpress etc. Since its first business in 2012, "SUNGOLDPOWER" has gradually and continuously established a good reputation among its customers. The selling records and contracts listed in the evidence take only a small proportion of the total amount. As a whole, the applicant is not protecting a mark managed for years instead of imitating or rush registering others' mark.

From the aspects of the drawing, the goods and the response of the customers, the mark is not likely to cause confusion among the purchasers.

Evidence for Answering to Opposition No. 91223959

Comparison of the drawing:

Application No.	Literal Element	Drawing
86503923	SUNGOLDPOWER	SUNGOLDPOWER

Application No.	Literal Element	Drawing
85408770	SUNPOWER	SUNPOWER
76283765	SUNPOWER	SUNPOWER
76688239	SUNPOWER	SUNPOWER
77879227	SUNPOWER	SUNPOWER
85585503	SUNPOWER	SUNPOWER

(The data concerning the comparison of the drawing and the goods is retrieved from the website of USPTO regarding the questioned marks.)

Comparison of the goods:

Application No.	86503923	76283765	76688239	77879227	85585503	85408770
Literal Element	SUNGOLDPOWER	SUNPOWER	SUNPOWER	SUNPOWER	SUNPOWER	SUNPOWER
Goods	Circuit breakers;	Photovoltaic	Mounting	Energy usage	Silicon	Photovoltaic
	,	cells;	systems for	management;	wafers;	cells;
	Commutators;	·	solar		·	·
		modules,	collectors	energy usage	solar wafers;	modules,
	Electric control	namely,	comprised of	management		namely,
	panels;	photovoltaic	structural	information	inverters;	photovoltaic
		modules and	supports,	services;		modules and
	Electric converters;	solar cell	made of		photovoltaic	solar cell
		modules;	metal, for	home energy	inverters;	modules;
	Electric relays;		stabilization	assessment		
		panels,	on the	services for	solar	panels, namely,
	Inverters;	namely,	ground, solar	the purpose of	inverters;	photovoltaic
		photovoltaic	collector	determining		panels and solar
	Step up transformers;	panels and	supports	energy	converters;	cell panels;
		solar cell	made of	efficiency or	photovoltaic	
	Transformers;	panels	metal, and	usage	converters;	solar batteries;
			clamps made	management;		
	Voltage regulators;		of metal;			solar cells;
				information in	solar energy	
	Voltage stabilizing		solar panel	the field of	converters	photovoltaic
	power supply		mounts made	energy		solar-thermal
			of metal	efficiency;		hybrid modules;
				business		electronic
				consulting		sensors for
				and advisory		measuring solar
				services in the		radiation;
				field of energy		
				efficiency;		apparatus for
						converting
				consultation in		electronic
				the field of		radiation to
				energy		electrical energy,
				efficiency		namely,
						photovoltaic
						roofing members
						and photovoltaic
						cladding panels

Main Marketing Channel for SUNGOLDPOWER:



Translation of the above screen-shot is:

Information here-under is retrieved on Oct. 26, 2015

Basis information for Domain Name "sungoldpower":

Registrar: FastDomain Inc.

Registrant: ROOM 1320-1321, 1 # WAN XIANG TIAN CHENG BUILDING, LONGGANG

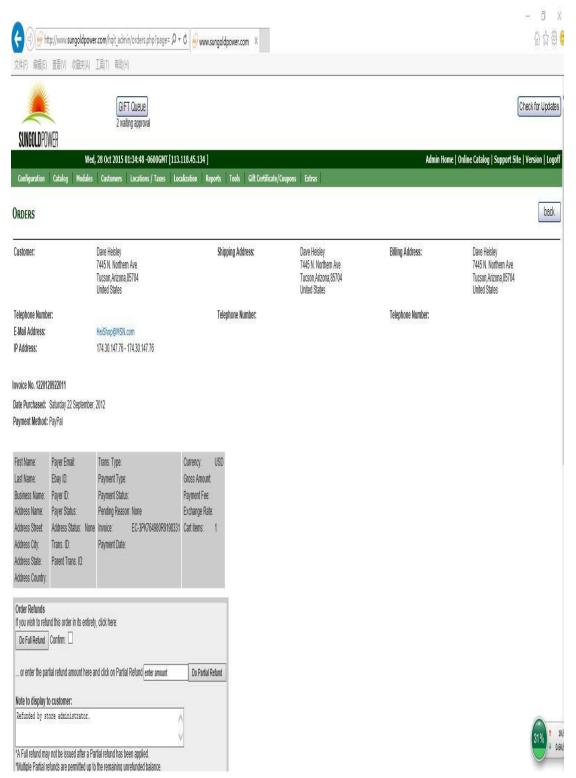
Email of Registrant: WHOIS@BLUEHOST.COM

Registration Date: July 10th, 2015 Expiration Date: July 10th, 2017

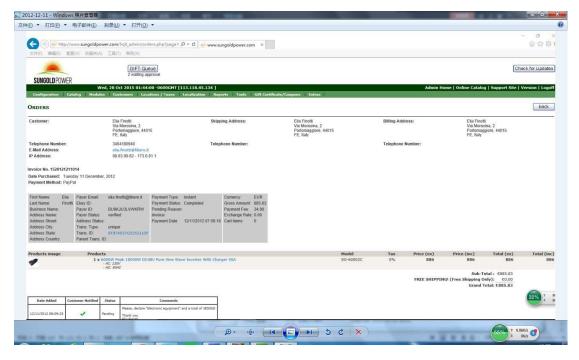
Evidence for its first use on Oct. 16th, 2009

http://www.ebay.com/usr/sungoldpower?_trksid=p2047675.12559

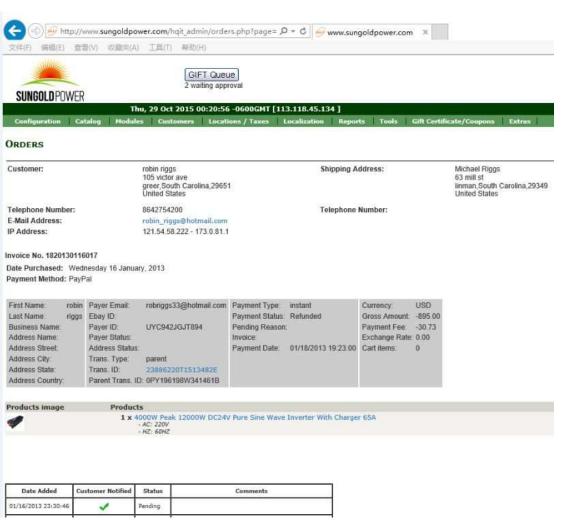
Selling records through AMAZON:



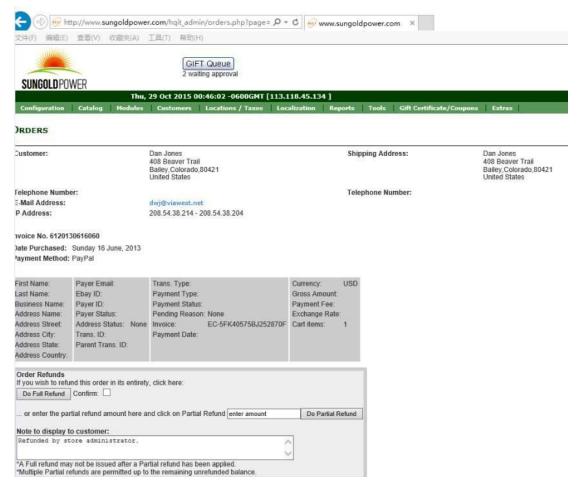
09/22/2012



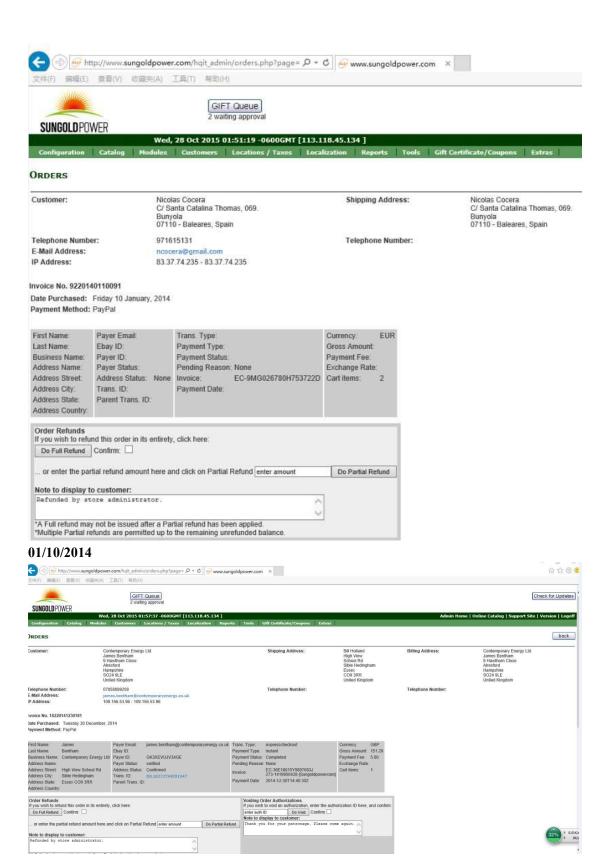
11/12/2012



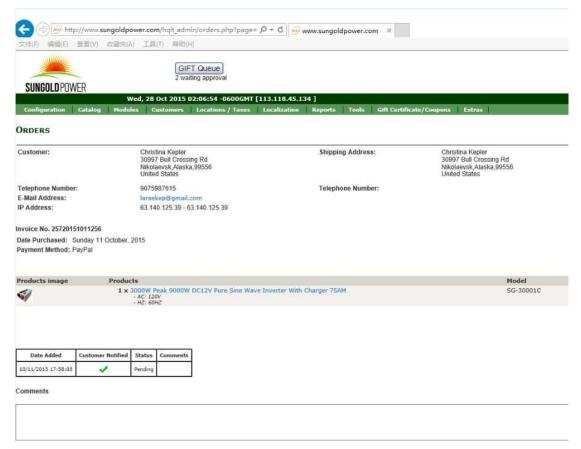
01/16/2013



06/16/2013

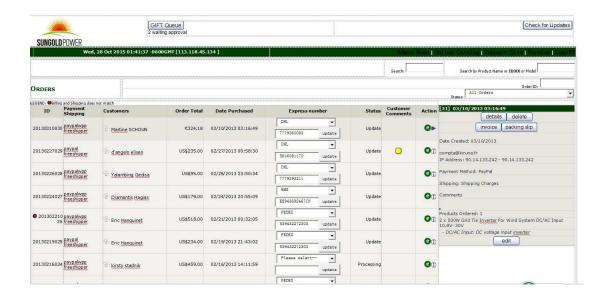


12/30/2014



10/11/2015

Background selling records for SUNGOLDPOWER since 2012











The above links are for relevant selling records

The following are contracts from 2012 til today between SUNGOLDPOWER and its customers worldwide:

SUNGOLDPOWER	TEL: +86-755-89316610; FAX: +86-755-89330906; Contact person; spring			
SUNGULDPUWER	INVOICE			
го:		P/I NO.: SGP-13009004		
Fabian Ponce Vas quez Av, Roberto Crespo 1-203 Cuenca Ecuador Phone: 072815721 Truc: 0102087343 001 (TAXIDENTITY)			Date: 4th Sep,2013	
E mail : ponce_fabian65@yahoo.com FINAL DESTINATION : Guayaquil - Ecuador				
ПЕМ	DESCRIPTION	PRICE	QTY	AMOUNT
online UPS	10KVA High freqency online UPS, 220v with 16pcs 7AH 12V battery inbuilt	USD: 1350	3	USD:4050
shipping cost	by sea to	USD: 750	1	USD: 750
TOTAL				USD:4800
Delivery time:10-15 days				
Bank information:				
our paypal account: cnordee@21cn.com Beneficiary: sun gold power co.jld Account number 220-10-081-2400-1 Bankingd details: WINIG HANG BANK (CHINA) , LTD. SHENZHEN BRANCH SWIFT-WHIBCNBX SWIFT-WHIBCNBX BRANACH SUMPT-WHIBCNBX Centre, 2002, Shennan Dong Road, Shenzhen, P.R. C POSTAL COLD E-18000				

	Sun Gold Power COLtd					
ADD: #1	320-1321,Wanxiangtiancheng office building,longcheng Mai	in Road,LongGang Dis	strict,ShenZhen5181	172,china		
SUNGOLDPOWER	TEL: +86-755-89316610; FAX: +86-755-893;	30906; Contact persor	n: cathy			
	INVOICE					
TO:Densi		P/I NO.: CDR-1308014				
SCTD 699 route des 4 marronniers 74800 ST PIERRE EN FAUCIGNY			Date: 14th aug,2013			
ІТЕМ	DESCRIPTION	PRICE	QTY	AMOUNT		
wind grid tie inverter	500w grid tie inverter 3 phase AC 22-60V	USD:185	6			
TOTAL				total; USD:1100		
Delivery time:7-10 days						
Bank information:(Update) Bank information: Beneficiary:Sun Gold Power CO.,Lt	d					
Account number:2201-0081-2400-1	(CHINA), LTD. SHENZHEN BRANCH					
Bank Address:5F,Shun Hing Square, POSTAL CODE:518008	Di Wang Commercial Centre, 5002, Shennan Dong Road	d, Shenzhen, P.R.C				



POSTAL CODE:518008

SUNGOLDPOWER

Sun Gold Power CO.,Ltd

ADD: #1320-1321, Wanxiangtiancheng office building, longcheng Main Road, Long Gang District, Shen Zhen 518172, china TEL: +86-755-89316610; FAX: +86-755-89330906; Contact person: cathy

INVOICE

	III OIGE				
TO:Densi		P/I NO.: CDR-130501			
SCTD 699 route des 4 marronniers 74800 ST PIERRE EN FAUCIGNY		Б	ate: 10th MAY,2013		
ITEM	DESCRIPTION	PRICE	QTY	AMOUNT	
wind grid tie inverter	500w grid tie inverter 3 phase AC 10.8-30V	EUR: 133.7	20		
wind grid tie inverter	500w grid tie inverter 3 phase AC 22-60V	EUR: 133.7	1		
TOTAL				total; EUR:280	
Delivery time:7-10 days					
Bank information: (Update) Bank information: Beneficiary :Sun Gold Power CO., I Account number: 2201-0081-2400-] Banking details: WING HANG BANI SWIFT: WIHBCNBX					
Bank Address: 5F, Shun Hing Square	e, Di Wang Commercial Centre,5002, Shennan Dong Road	,Shenzhen,P.R.C			

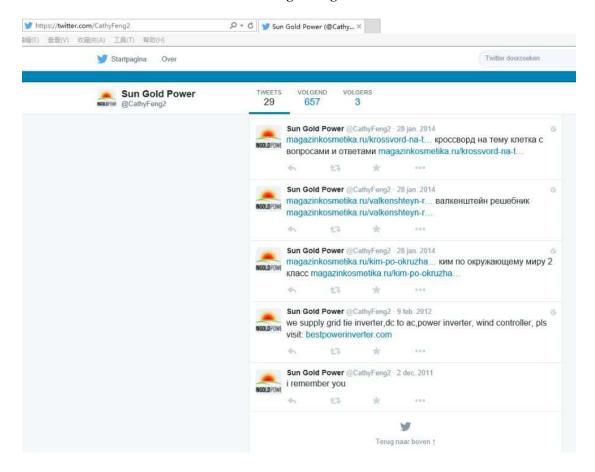
Sun Gold Power CO.,Ltd

ADD: #1320-1321,Wanxiangtiancheng office building,longcheng Main Road,LongGang District,ShenZhen518172,china TEL: +86-755-89316610; FAX: +86-755-89330906; Contact person: cathy

INVOICE P/I NO.: CDR-1307023 Date: 23th JULY,2013 TO:Densi SCTD 699 route des 4 marronniers 74800 ST PIERRE EN FAUCIGNY ITEM DESCRIPTION PRICE QTY AMOUNT wind grid tie inverter 500w grid tie inverter 3 phase AC 10.8-30V USD:165 30 wind grid tie inverter 500w grid tie inverter 3 phase AC 22-60V USD:165 10 total; USD:6600 TOTAL Delivery time:7-10 days

Bank information:(Update)
Bank information:
Beneficiary :Sun Gold Power CO.,Ltd
Account number:2201-0081-2400-1
Banking details:WING HANG BANK (CHINA) , LTD. SHENZHEN BRANCH
SWIFT:WIHBCNBX Bank Address: 5F, Shun Hing Square, Di Wang Commercial Centre, 5002, Shennan Dong Road, Shenzhen, P.R.C

SUNGOLDPOWER's Promotion Advertising through twitter:





Sun Gold Power (@CathyFeng2) Twitter.mht

Promotion advertising via the following bolg:

http://boyce394770911.overblog.com/tag/sungoldpower/

https://sungoldpower.wordpress.com/author/sungoldpower/

http://sungoldpower.blogspot.kr/2012_11_01_archive.html

http://boycepower.blog.com/2013/07/04/project-with-full-access-to-the-internet-sending-about-8000-kwh-per-day-or-so-to-all-220-kv-lotus-crown/

http://sungoldpower.en.hisupplier.com/

http://sungoldpower188.en.ec21.com/

Promotion advertising through social network:

https://www.facebook.com/summer.chueng.9

https://www.youtube.com/watch?v=_C6Wxba93fY

Promotion advertising on amazon, ebay, aliexpress:

http://www.amazon.com/shops/A2KOPTR37CGSDC

http://www.aliexpress.com/store/911427

http://www.ebay.com/usr/sungoldpower